

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHAMBERS OF
CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING JR. COURTHOUSE
50 WALNUT ST.
ROOM 4040, COURTROOM 4C
NEWARK, NJ 07101
p. 973-776-7862
f. 973-776-7865
CLW_Orders@njd.uscourts.gov

CIVIL CASE MANAGEMENT ORDER

Dear Counsel:

Pursuant to 28 USC § 636 and Local Civil Rule 72.1, the following shall apply to civil matters assigned to Magistrate Judge Cathy L. Waldor. Failure to comply with the terms of this Order will result in sanctions pursuant to Rules 16(f) and 37 of the Federal Rules of Civil Procedure. This Civil Case Management Order as well as the Court's model Pretrial Scheduling Order may be found at <http://www.njd.uscourts.gov/content/cathy-l-waldor>.

1. Communications with the Court. All communications to the Court shall be in writing via CM/ECF or by telephone. Absent permission from Chambers or as otherwise provided by this Order, the Court will not accept or consider communications via fax, mail, or email. The parties may refer to the contact information above for situations in which a communication via fax, mail, or email is permitted.

2. Teleconferences. Unless otherwise agreed upon by the parties or directed by the Court, all teleconferences shall be initiated by the plaintiff such that the plaintiff will arrange for all parties to be on one line before calling into Chambers. If the parties utilize a dial-in teleconference service, then the dial-in information shall be transmitted to Chambers telephonically or via email.

3. Adjournment Requests. Conferences, whether telephonic or in-person, are scheduled with ample notice to the parties via CM/ECF. **Accordingly, adjournment requests must be made no later than ten (10) business days before the scheduled conference. Otherwise, there will be no extensions of any conference date except upon a showing unforeseen emergent circumstances and by leave of Court, even if there is consent of all counsel. All conferences will proceed as scheduled on CM/ECF unless the Court expressly provides to the contrary.**

4. Courtesy Copies. Courtesy copies for all contested non-dispositive motions shall be mailed to Chambers, with each such mailing to contain a cover letter indicating the case and docket entry numbers that correspond to the documents.

5. Pro Hac Vice Applications. Applications for admission *pro hac vice* shall follow the requirements of Local Civil Rule 101.1(c). In particular, local counsel shall make every effort

to secure the consent of opposing counsel and the required certification shall indicate whether the applicant has received the consent of opposing counsel. A single proposed order shall be submitted regardless of the number of proposed *pro hac vice* attorneys to be admitted.

6. Joint Discovery Plans. The Court's model Pretrial Scheduling Order / Joint Discovery Plan may be found as a Word document at <http://www.njd.uscourts.gov/content/cathy-l-waldor>. **The parties shall submit their completed proposed version, also as a Word document, to CLW_Orders@njd.uscourts.gov no later than three (3) business days before the scheduled Rule 16 initial conference.** The Court will not adjourn a Rule 16 initial conference due to a pending dispositive motion, absent a written showing of good cause.

7. Discovery Extensions, Disputes, and Motions. Any request for an extension or an amended scheduling order shall indicate the current and proposed dates as well as whether the request is made on consent. Any such request shall include a proposed order.

Discovery disputes shall proceed in accordance with Local Rules 16.1 and 37.1. Should counsel fail in their good faith efforts to resolve the dispute by conferring pursuant to Rule 37.1, the matter shall be brought to the Court's attention **via a joint letter** that sets forth:

- a) the request;
- b) the response;
- c) efforts to resolve the dispute;
- d) the position of the complaining party;
- e) the position of the responding party; and, if applicable,
- f) the efforts of a party to contact a non-responsive party so as to meet and confer and submit the joint letter.

No further letter submissions regarding the dispute may be submitted without leave of Court.

Discovery motions may be filed only upon leave of Court and only after the parties have proceeded in accordance with Local Rules 16.1 and 37.1.

Motions to secure enforcement of a subpoena or to quash a subpoena involving third parties may be made without meeting and conferring, but counsel must obtain leave of Court before filing any such motion.

Motions to amend shall must be accompanied by a black- or red-lined proposed amended complaint as an exhibit outlining the proposed amendments. Failure to do so will result in administrative termination of the motion.

Motions for summary judgment shall be filed only upon leave of Court.

8. Motions to Seal. Motions to seal must comply with Local Civil Rule 5.3(c). In particular, motions filed without a proposed order and proposed findings of fact and conclusions of law will be administratively terminated. In addition, the proposed order must include reference to the docket entries that the party seeks to seal. Counsel shall make every effort to secure the

consent of opposing counsel regarding the request to seal and the movant shall certify whether opposing counsel has consented.

9. Settlement Conferences. Trial counsel as well as persons with full settlement authority must appear at the settlement conference. **Each party shall submit, via email, a confidential settlement memorandum of no more than five (5) pages to Chambers no later than five (5) business days before the conference.**

If trial counsel and clients do not comply with this Order, the settlement conference may be cancelled or rescheduled and the noncompliant party and/or attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

10. Final Pretrial Conferences. The Court conducts final pretrial conferences pursuant to Rule 16(d). The parties shall contact Chambers for a model version of the joint final pretrial order applicable to the District Judge assigned to the matter. The Court expects to engage in meaningful settlement discussions at final pretrial conferences. Therefore, trial counsel who actually has full settlement authority must attend the conference and clients or other persons with full settlement authority must be available by telephone. The Final Pretrial Conference will proceed even if there are dispositive motions pending.

The parties shall submit, via email and regular mail, a copy of the joint proposed final pretrial order no later than five (5) business days before the conference.

If trial counsel do not comply with this Order, the final pretrial conference may be cancelled or rescheduled and the attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

s/Cathy L. Waldor
CATHY L. WALDOR
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

,	:	
	:	Civil Action No. (-CLW)
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
	:	<u>PRETRIAL SCHEDULING ORDER</u>
	:	
	:	
Defendants.	:	
_____	:	

THIS MATTER having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on _____, and the parties having reviewed the Court's Civil Case Management Order as well as the Local Civil Rules, and for good cause shown,

IT IS on this day of _____,

ORDERED THAT the next event in this matter will be _____; and

FURTHER ORDERED that this matter will proceed as follows:

- 1. Fact Discovery Deadline.** Fact discovery is to remain open through _____. All fact witness depositions must be completed by the close of fact discovery. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.
- 2. Motions to Add New Parties.** Any motion to add new parties, whether by amended or third-party complaint, must be electronically filed no later than _____.
- 3. Motions to Amend Pleadings.** Any motion to amend pleadings must be electronically filed no later than _____.
- 4. Rule 26 Disclosures.** The parties shall exchange disclosures pursuant to Rule 26 no later than _____.
- 5. Interrogatories.** The parties may serve interrogatories limited to _____ single questions including subparts, on or before, which shall be responded to by _____.
- 6. Document Requests.** The parties may serve requests for production of documents on or before _____, which shall be responded to by _____.

7. **Depositions.** The number of depositions to be taken by each side shall not exceed ____.
8. **Electronic Discovery.** The parties are directed to Rule 26(f), as amended, which, *inter alia*, addresses preservation of discoverable information, discovery of electronically stored information, and claims of privilege or work product protection. The parties are also directed to Local Civil Rule 26.1(d) which describes the obligations of counsel with regard to their clients' information management systems.
9. **Discovery Disputes.** Please refer to the Court's Civil Case Management Order.
10. **Motion Practice.** Please refer to the Court's Civil Case Management Order.
11. **Expert Reports.** All affirmative expert reports shall be delivered by _____. All responsive expert reports shall be delivered by _____. Depositions of all experts to be completed by _____.
12. **Form and Content of Expert Reports.** All expert reports must comport with the form and content requirements set forth in Rule 26(a)(2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the expert's report.
13. **Extensions and Adjournments.** Please refer to the Court's Civil Case Management Order.
14. **Protective Orders.** Any proposed confidentiality order agreed to by the parties must strictly comply with Rule 26(c), Local Civil Rule 5.3, and applicable case law. Please also refer to the Court's Civil Case Management Order.
15. **Local Rules.** The parties are directed to the Local Civil Rules for any other matter not addressed by this Order or the Court's Civil Case Management Order.
16. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY OTHER ORDERS WILL RESULT IN SANCTIONS.**

s/ Cathy L. Waldor _____
CATHY L. WALDOR
United States Magistrate Judge